

# **Draft Recommendations**

## **of the**

### **Department of Corrections Advisory Council**

*November 2006*

#### **Background**

At the Nov. 16, 2005, meeting of the Corrections Advisory Council, Chairman and Lt. Gov. John Bohlinger appointed a six-member subcommittee to study prison overcrowding and make recommendations about how to take the pressure off of the system. The subcommittee focused on increasing community corrections programs and services as a means of diverting offenders from prison, paying particular attention to special-needs populations such as drug offenders, sex offenders and the mentally ill. We looked at the needs of offenders before, during and after their incarceration, in order to improve the continuum of care and treatment, in hopes of reducing the recidivism rate. We also were aware that the native American population is over-represented in the system, and that the women's population is rising more quickly than the male population. Native Americans have a tougher time navigating the system than white inmates, and both the native American and women populations are on the rise due to drug offenses. Taking all of these factors into consideration, the committee makes the following recommendations, which are aimed at improving the system and the offenders' chances of success in the community.

The members are Rep. Gail Gutsche, Missoula, chairwoman; Sen. Jim Shockley, Victor; Reps. Tim Callahan, Great Falls, and Veronica Small-Eastman, Lodge Grass; Cascade County Sheriff Dave Castle; and Toole County Commissioner Allan Underdal.

The subcommittee met seven times: Jan. 5, Jan. 31, Feb. 27, March 31, May 8, June 19 and Aug. 1.

#### **Recommendations**

The following summarize the Corrections Advisory Council's Sept. 8, 2006, actions on the subcommittee recommendations.

1. Expand community-based programs and services for offenders by:
  - Creating a program that offers financial incentives for local governments or service providers to increase community-based programs for offenders. The money would be paid to governments based on an established formula, such as the year-over-year reduction in the number of offenders committed to prison from a particular judicial district. The program would need an initial appropriation, although future funding could come from the

money saved by the Department of Corrections due to reduced inmate admissions.

- Modifying and expanding, particularly in rural areas, the existing system in which district judges operate drug courts and mental health courts to create dual-purpose "treatment courts" capable of handling those with both drug addiction problems and emotional/mental disorders; and as an incentive, providing DOC probation and parole officers when needed. This would address the fact that many offenders experience both afflictions and many of those with mental health problems are reluctant to submit themselves to a "mental health court" because of the stigma.
  - Developing criteria for, and creating, adult "guide homes." This would be similar to a program already in place for juvenile offenders. These are private homes where residents are willing to take in an adult offender and offer him or her positive role models and mentoring that will put them on the right track.
2. Provide a stipend for a lengthy enough period of time (suggested at least three months) after an offender is released from prison to help them restart their lives. The current release stipend of \$100 is clearly not enough for a homeless, jobless offender to get restarted. This money, which would be administered by the offender's parole officer, would be used to help a person with critical expenses such as those related to housing, job-hunting and necessities of life. The DOC would pay bills, such as rent and restitution, directly to the vendors.
  3. Create separate registries to distinguish violent offenders from sexual offenders, if the change does not violate any national registry requirements.
  4. Change the way sexual offenders are categorized by treating those committing status offenses differently when it comes to registration.
  5. Help inmates adapt to release into communities by:
    - Employing mental health counselors in prisons to help inmates better prepare for release by identifying community mental health services that will ensure a continuum of care for offenders.
    - Adding specialized case managers to probation and parole offices to help offenders navigate wrap-around community services needed for their ongoing recovery. Currently, this service is being performed by parole officers who are already overwhelmed with huge workloads and may not be familiar with all of the available and necessary services.
  6. Provide additional assistance to sex offenders by:
    - Increasing sex offender and chemical dependency treatment capacity in prisons so that inmates do not have to wait long periods for mandatory treatment before they can qualify for parole eligibility.
    - Asking the Workforce Development Task Force put greater emphasis on filling the need for more sex offender therapists and other

professionals capable of providing increased community treatment opportunities to offenders.

- Doing more to connect sex offenders with individual and group therapy opportunities upon release from prison. Recognizing that sex offenders need lifelong support and therapy, this will ensure they are connected to community therapy opportunities upon release from prison, and utilizing existing private providers where possible.
- Using case managers who specialize in working with sex offenders or the mentally ill offenders.

7. Create a comprehensive database of available offender services and their locations.

8. Enact a law similar to Proposition 36, a 2000 California law that mandates court-supervised treatment instead of incarceration for those nonviolent offenders convicted a first- or second-time of simple drug possession.